Appl. No.: 09/275,887
Amdt. dated 11/18/2004
Reply to Official Action of August 20, 2004

REMARKS

Applicants again appreciate the Examiner's thorough review of the present application, as evidenced by the final Official Action of this Request for Continued Examination (RCE). The final Official Action rejects Claims 1, 2, 12, 13, 13, 23, 24, 35, 36, 43-45, 48 and 50 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,862,357 to Ahlstrom et al. in view of U.S. Patent No. 5,331,546 to Webber et al., and now further in view of U.S. Patent No. 4,879,648 to Cochran et al. Also, the final Official Action rejects Claims 4-8, 15-19, 26-30, 32, 46, 47 and 51 under 35 U.S.C. § 103(a) as being unpatentable over the Ahlstrom patent in view of the Weber patent, and further in view of U.S. Patent No. 5,948,040 to DeLorme et al.; and rejects Claims 10, 21 and 49 as being obvious in light of the Ahlstrom, DeLorme and Cochran patents. Further, the final Official Action continues to reject Claims 11, 22, 33, 34 and 37-42 under 35 U.S.C. § 103(a) as being unpatentable over the Ahlstrom patent in view of the DeLorme Patent, and further in view of U.S. Patent No. 5,897,620 to Walker et al.

As explained below, Applicants respectfully submit that the claimed invention of the present application is patentably distinct from the Ahlstrom, Webber, DeLorme, Walker and Cochran patents, taken individually or in combination. No new matter or issues are raised by this Response. Applicants request consideration of this Response and allowance of the claims. Alternatively, Applicants respectfully request entry of this Response for purposes of narrowing the issues upon appeal.

I. Claims 1, 2, 12, 13, 23, 24, 35, 36, 43-45, 48 and 50 are Patentably Distinct From the Ahlstrom, Webber and Cochran Patents

As indicated above, the Official Action rejects Claims 1, 2, 12, 13, 23, 24, 35, 36, 43-45, 48 and 50 as being unpatentable over the Ahlstrom patent in view of the Webber patent, and now further in view of the Cochran patent. As previously explained, independent Claims 1, 12, 23, 36 and 43 recite methods, computer-readable mediums and systems for providing information relating to savings associated with travel alternatives. And independent Claims 44 and 50 recite methods for providing travel alternatives. As recited in independent Claims 1, 12, 23, 36, 43, 44 and 50, a request reflecting a travel itinerary is received or provided, the request including an

PAGE 3/16 * RCVD AT 11/18/2004 11:36:01 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID: * DURATION (mm-ss):05-40

origination location, a destination location and proximity tolerances specifying a user's acceptable range for alternative itineraries. The travel itinerary is then analyzed to determine a set of alternative itineraries, where analyzing the travel itinerary includes identifying at least one alternative itinerary including an alternate originating location or destination that is different than the originating location or destination included in the request, and is within the proximity tolerances. Then, as recited in independent Claims 1, 12, 23, 36, 43 and 44, information (e.g., values) regarding the travel itinerary specified in the request and the alternative itineraries can be determined, with a report subsequently generated to include the information. As recited in Claim 50, a report can be provided such that the user can visually inspect a map including a graphical representation of the itinerary specified in the request and the alternative itineraries.

In contrast to the recited methods, computer-readable mediums and systems of independent Claims 1, 12, 23, 36, 43, 44 and 50, and as conceded by the final Official Action, neither the Ahlstrom patent nor the Webber patent, individually or in combination, teach or suggest receiving or providing a request including an origination location, a destination location and proximity tolerances specifying a user's acceptable range for alternative itineraries, or identifying an alternative itinerary that includes an alternative origination or destination location within the proximity tolerances. Nonetheless, the final Official Action alleges that the Cochran patent discloses this feature. Further, the final Official Action alleges that it would have been obvious to one skilled in the art to combine the teachings of the Ahlstrom, Webber and Cochran patents to disclose the claimed invention of Claims 1, 2, 12, 13, 23, 24, 35, 36, 43-45, 48 and 50. Applicants respectfully submit, however, that the Cochran patent, like the Ahlstrom and Webber patents, does not teach or suggest providing a request including an origination location, a destination location and proximity tolerances specifying a user's acceptable range for alternative itineraries, or identifying an alternative itinerary that includes an alternative origination or destination location within the proximity tolerances.

The Cochran patent discloses a system and method of variably displaying search terms. As disclosed, the method includes continuously displaying the names of categories on a video terminal screen. When the cursor is adjacent a category, one data set or search term is displayed, that search term being one of a plurality of terms in a list associated with the particular category.

PAGE 4/16 * RCVD AT 11/18/2004 11:36:01 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID: * DURATION (mm-ss):05-40

The user can then display another term from the list by actuating a scrolling control key input. In an illustrated example, the Cochran patent describes a structured database of hotel and resort information records. As explained, the information records can be searched based upon the proximity of a hotel/resort to specific areas of interest such as a tourist attraction, business location or airport.

The Cochran patent therefore does disclose allowing a user to specify the proximity of a hotel/resort to areas of interest, any one or more of which it could be suggested constitute part of a travel itinerary (although expressly not admitted by the Applicant). In contrast to the claimed invention of independent Claims 1, 12, 23, 36, 43, 44 and 50, however, the Cochran patent does not disclose that the areas of interest are alternative hotels/resorts. It merely discloses display areas of interest such as an airport, tourist attraction or business, and not other hotels/resorts. Moreover, even if the Cochran patent did disclose that the areas of interest are alternative hotels/resorts, as the Cochran patent is drawn to a system and method of displaying search terms, Applicants question whether the Cochran system could even be considered analogous art to, and thus combinable with, the systems and methods of the Ahlstrom or Webber patents. See M.P.E.P. § 2141.01(a) (explaining that "to rely on a reference under 35 U.S.C. 103, it must be analogous prior art").

As shown, then, the none of the Ahlstrom patent, the Webber patent or the Cochran patent, individually or in combination, teach or suggest identifying an alternative itinerary that includes an alternative origination or destination location within proximity tolerances included in a request reflecting a travel itinerary, as recited by independent Claims 1, 12, 23, 36, 43, 44 and 50. Applicants therefore respectfully submit that independent Claims 1, 12, 23, 36, 43, 44 and 50, and by dependency Claims 2, 13, 24, 35, 45 and 48, are patentably distinct from the systems and methods of the Ahlstrom, Webber and Cochran patents, taken individually or in combination. Thus, Applicants respectfully submit that the rejection of Claims 1, 2, 12, 13, 23, 24, 35, 36, 43-45, 48 and 50 under 35 U.S.C. § 103(a) as being unpatentable over the Ahlstrom patent in view of the Webber patent, and further in view of the Cochran patent, is overcome.

PAGE 5/16 * RCVD AT 11/18/2004 11:36:01 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID: * DURATION (mm-ss):05-40

II. Claims 4-8, 15-19, 26-30, 32, 46, 47 and 51 are Patentably Distinct From the Ahlstrom Patent, Webber patent and DeLorme Patent, taken Individually or in Combination

The Official Action rejects Claims 4-8, 15-19, 26-30, 32, 46, 47 and 51 as being unpatentable over the Ahlstrom patent in view of the Webber patent, and further in view of the DeLorme patent. As described above, independent Claims 1, 12, 23, 44 and 50 are patentably distinct from the Ahlstrom and Webber patents, taken individually or in combination. As dependent Claims 4-8, 15-19, 26-30, 46 and 47 depend, directly or indirectly, from independent Claims 1, 12, 23, 44 and 50, respectively, dependent Claims 4-8, 15-19, 26-30, 46, 47 and 51 include all the limitations of a respective independent claim. Therefore, dependent Claims 4-8, 15-19, 26-30, 46, 47 and 51 are patentably distinct from the Ahlstrom and Webber patents for at least the reasons given above with respect to independent Claims 1, 12, 23, 44 and 50. As described below, the combination of the Ahlstrom and Webber patents with the DeLorme patent does not remedy the shortcomings of the Ahlstrom and Webber patents, and still fails to teach or suggest the claimed invention.

As explained in response to the first Official Action of this RCE, none of the Ahlstrom, Webber and DeLorme patents, individually or in combination, teach or suggest identifying at least one alternative itinerary that includes an alternative origin or destination that is different from those received in a request reflecting a travel itinerary, as recited by independent Claims 1, 12, 23, 36, 43, 44 and 50, and by dependency Claims 4-8, 15-19, 26-30, 46, 47 and 51. The final Official Action then submitted that the Webber patent discloses this feature, as applied to independent Claims independent Claims 1, 12, 23, 44 and 50, and by dependency Claims 4-8, 15-19, 26-30, 46, 47 and 51. More particularly, the final Official Action alleges that the Webber patent discloses that a travel arranger requests a flight from New York City (NYC) airport to Los Angeles International Airport (LAX). In response to this request, the final Official Action explains that the travel arranger receives a result including six flights, including departure from two alternate airports, JFK and EWR, different from the origin location requested by the arranger.

PAGE 6/16 * RCVD AT 11/18/2004 11:36:01 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID: * DURATION (mm-ss):05-40

As explained in response to the first Official Action, the Webber patent discloses a trip planner system that can operate to process a trip request from any New York City airport (NYC) to Los Angeles International Airport (LAX). Col. 17, lines 40-56. After processing the trip request, the system of the Webber patent outputs a number of flights between either John F. Kennedy (JFK) airport or Newark, NJ (EWR) airport, both within NYC, and LAX. Col. 19, lines 36-44. The Webber patent therefore discloses a trip planner system that, in one exemplar embodiment, processes a trip request to provide flights between NYC and LAX, where the NYC designation includes any airport within New York City and is given as including JFK and EWR. As disclosed by the Webber patent, and as well known to those skilled in the art, NYC is a city code that, in the airline industry, identifies JFK and EWR, as well as La Guardia airport (LGA). As disclosed, then, the system and method of the Webber patent do not identify alternative origination or destination locations within proximity tolerances included in a request, as recited by independent Claims 1, 12, 23, 36, 43, 44 and 50, and by dependency Claims 4-8, 15-19, 26-30, 46, 47 and 51, but merely identify airports by a given airline or city code.

Moreover, Applicants respectfully submit that, by designating a flight search from NYC, the flight arranger of the Webber system is requesting flights departing from airports within New York City, and not, as alleged by the final Official Action, a flight from "New York City (NYC) airport." To the extent that the final Official Action is suggesting that the flight arranger is requesting to fly from "New York City airport," Applicants respectfully submit that no such airport exists. Instead, airports within the New York City vicinity include JFK, EWR and LGA. By designating a flight search from NYC, then, the arranger is specifically requesting flights from JFK, EWR and LGA. The arranger receiving flights from those three airports, then, constitutes receiving flights from origins specifically requested, and not, as in the claimed invention, from alternative origin or destination locations.

Applicants further respectfully submit that independent Claims 10 and 32 are patentably distinct from the Ahlstom, Webber and DeLorme patents, taken individually or in combination. Applicants note that the final Official Action rejects independent Claim 10 as being unpatentable over the Cochran patent. However, the final Official Action erroneously suggests that independent Claim 10 was amended to recite the proximity tolerance feature of independent

PAGE 7/16 * RCVD AT 11/18/2004 11:36:01 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID: * DURATION (mm-ss):05-40

Claims 1, 12, 23, 36, 43, 44 and 50. Applicants respectfully submit, however, that independent Claim 10 was not amended to include this feature, but was instead amended to include the travel packages feature similarly recited in independent Claim 32. Thus, for purposes of responding to the final Official Action, Applicants will explain independent Claim 10 in conjunction with independent Claim 32.

Independent Claims 10 and 32 of the present invention provide a method and computer system, respectively, for providing information regarding savings associated with travel alternatives. Like independent Claims 1, 12, 23, 36, 43, 44 and 50, independent Claims 10 and 32 recite receiving or providing a request reflecting a travel itinerary, the request including an origination location and a destination location. The travel itinerary is then analyzed to determine a set of alternative itineraries, where analyzing the travel itinerary includes identifying at least one alternative itinerary including an alternate originating location or destination. Independent Claims 10 and 32 further recite that analyzing the travel itinerary includes locating any predetermined travel packages that include travel for the travel itinerary reflected in the request and any predetermined travel packages that include travel for the alternative itinerar(ies), where the travel packages are pre-configured packages based upon prior negotiations with providers of travel services.

As explained in response to the first Official Action and above with respect to the Webber patent, none of the Ahlstom, Webber and DeLorme patents, taken individually or in combination, teach or suggest identifying an alternative itinerary that includes an alternative origin or destination that is different from those received in a request reflecting a travel itinerary, as recited by independent Claims 10 and 32. Further, none of the Ahlstrom, Webber and DeLorme patents, individually or in combination, teach or suggest locating any predetermined travel packages that include travel for the travel itinerary reflected in the request and any predetermined travel packages that include travel for the alternative itinerar(ies), as further recited by independent Claims 10 and 32.

Applicants again note that the final Official Action alleges that the DeLorme patent, at column 12, lines 48-67, teaches travel packages pre-configured based upon prior negotiations with providers of travel services. In this regard, the Official Action notes that the DeLorme

PAGE 8/16 * RCVD AT 11/18/2004 11:36:01 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID: * DURATION (mm-ss):05-40

patent discloses that "hotel chains, state tourism bureaus, and local chambers of commerce could publish travel package embodiments for planning trips, printing maps, discount offers, trip directions and other such information about a limited range of attractions, events or seasonal activities. Properly interpreted, however, the DeLorme patent discloses that third-party providers such as hotel chains, state tourism bureaus, or local chambers of commerce could publish the Travel Reservation and Information Planning System (TRIPS) wholly on removable electronic media such as CD-ROMs. Then, for the third-party providers, the CD-ROMs could function as electronic travel brochures for planning trips, printing maps, discount offers, trip directions and other information. Nowhere, however, does the DeLorme patent disclose travel packages pre-configured based upon prior negotiations with providers of travel services.

Again, interpreting the allegation of the Official Action, the Official Action appears to suggest that electronic media such as CD-ROMs can be considered travel packages. According to Section 2111 of the MPEP, however, "[t]he broadest reasonable interpretation of the claims must [] be consistent with the interpretation that those skilled in the art would reach" (*citing In re Cortright*, 165 F.3d 1353, 1359 (Fed. Cir. 1999)). In this regard, Applicants respectfully submit that in no reasonable interpretation consistent with the interpretation of those skilled in the art could the electronic media disclosed by the DeLorme patent be interpreted as pre-configured travel packages.

Applicants respectfully submit, then, that the claimed invention of independent Claims 1, 12, 23, 36, 43, 44 and 50, as well as independent Claims 10 and 32, and by dependency Claims 4-8, 15-19, 26-30, 46, 47 and 51, is patentably distinct from the Ahlstrom, Webber and DeLorme patents, taken individually or in combination. Applicants therefore respectfully submit that the rejection of Claims 4-8, 15-19, 26-30, 32, 46, 47 and 51 under 35 U.S.C. § 103(a) as being unpatentable over the Ahlstrom patent in view of the Webber patent, and further in view of the DeLorme patent, is overcome.

PAGE 9/16 * RCVD AT 11/18/2004 11:36:01 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID: * DURATION (mm-ss):05-40

III. Claims 10, 21 and 49 are Patentably Distinct From the Ahlstrom Patent, the DeLorme Patent and the Cochran Patent, Taken Individually or in Combination

The final Official Action rejects Claims 10, 21 and 49 as being upatentable over the Ahlstrom, DeLorme and Cochran patents. As explained above, however, neither the Ahlstrom patent nor the DeLorme patent, individually or in combination, teach or suggest the pre-configured packages feature of independent Claim 10. And as the Cochran patent likewise does not teach or suggest this feature, Applicants respectfully submit that the claimed invention of independent Claim 10 is patentably distinct from the Ahlstrom, DeLorme and Cochran patents, taken individually or in combination. Applicants again note, however, that the final Official Action erroneously suggests that independent Claim 10 was amended to recite the proximity tolerance feature of independent Claims 1, 12, 23, 36, 43, 44 and 50, which the final Official Action alleges is disclosed by the Cochran patent. Instead, independent Claim 10 was amended to include the travel packages feature similarly recited in independent Claim 32, as explained above.

Independent Claim 21 of the present invention provides computer-readable medium for providing information regarding savings associated with travel alternatives. And independent Claim 49 recites a method for providing travel alternatives. Like independent Claims 1, 12, 23, 32, 36, 43, 44 and 50, independent Claims 21 and 49 recite receiving or providing a request reflecting a travel itinerary, the request including an origination location and a destination location. The travel itinerary is then analyzed to determine a set of alternative itineraries, where analyzing the travel itinerary includes identifying at least one alternative itinerary including an alternate originating location or destination. Also like independent Claims 1, 12, 23, 36, 43, 44 and 50, independent Claims 21 and 49 recite that the request includes proximity tolerances specifying a user's acceptable range for alternative itineraries, and recite that the alternative itinerary(ies) include an alternative origination or destination location within the proximity tolerances.

As described above with respect to independent Claims 1, 12, 23, 36, 43, 44 and 50, none of the Ahlstrom patent, the Webber patent or the Cochran patent teaches or suggests identifying

an alternative itinerary that includes an alternative origination or destination location within proximity tolerances included in a request reflecting a travel itinerary, as also recited by independent Claims 21 and 49. Applicants respectfully submit, then, that independent Claims 21 and 49, like dependent Claims 4-8, 15-19, 26-30, 32, 46, 47 and 51, are patentably distinct from the Ahlstrom, Webber and Cochran patents, taken individually or in combination, for at least the same reasons given above with respect to independent Claims 1, 12, 23, 36, 43, 44 and 50.

As explained in response to the first Official Action, the DeLorme patent likewise does not teach or suggest identifying at least one alternative itinerary that includes an alternative origin or destination that is different from those received in a request reflecting a travel itinerary, as recited by independent Claims 1, 12, 23, 36, 43, 44 and 50, as well as independent Claims 21 and 49. In this regard, the DeLorme patent provides for receiving the origination and destination location, and determining a route between the origination and destination location where the route is defined by a series of waypoints. During optimization of the travel itinerary, the DeLorme patent provides for modifying the waypoints, but does not provide for modifying either the origination or destination locations, as recited in independent Claims 1, 12, 23, 36, 43, 44 and 50, and independent Claims 21 and 49. Further, as conceded by the final Official Action, the DeLorme patent likewise does not teach or suggest identifying an alternative origination or destination location within proximity tolerances, as further recited by independent Claims 1, 12, 23, 36, 43, 44 and 50, and independent Claims 21 and 49.

Applicants respectfully submit, then, that the claimed invention of independent Claims 1, 12, 23, 36, 43, 44 and 50, and independent Claims 10, 21 and 49, is patentably distinct from the systems and methods of the Ahlstrom, Webber, Cochran and DeLorme patent, taken individually or in combination. Applicants therefore respectfully submit that the claimed invention of independent Claims 1, 10, 12, 21, 23, 32, 36, 43, 44, 49 and 50, and by dependency Claims 4-8, 15-19, 26-30, 32, 46, 47 and 51, is patentably distinct from the system and method of all of the Ahlstrom patent, Webber patent, Cochran patent and DeLorme patent, taken individually or in combination. As such, Applicants respectfully submit that the rejection of Claims 10, 21 and 49 under 35 U.S.C. § 103(a) as being unpatentable over the Ahlstrom patent in view of the Webber patent, the DeLorme patent and the Cochran patent, is overcome.

PAGE 11/16 * RCVD AT 11/18/2004 11:36:01 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID: * DURATION (mm-ss):05-40

IV. Claims 11, 22, 33, 34 and 37-42 are Patentably Distinct From the Ahlstrom Patent, the DeLorme Patent and the Walker Patent, Taken Individually or in Combination

As also indicated above, the final Official Action continues to reject Claims 11, 22, 33, 34 and 37-42 as being unpatentable over the Ahlstrom patent in view of the DeLorme patent, and further in view of U.S. Patent No. 5,897,620 to Walker et al. As described above, the Ahlstrom patent discloses a computer reservation system that receives a proposed travel itinerary including a starting location, a final location and any desired intermediate stops. As also described above, the DeLorme patent discloses a travel reservation information and planning system and method.

As previously explained, the Walker patent (otherwise known as the Priceline.com patent) discloses a method and apparatus for the sale of airline-specified flight tickets. The Walker patent discloses an unspecified-time airline ticket that represents a purchased seat on a flight to be subsequently selected for a traveler-specified itinerary. As disclosed, then, various systems and methods are provided for matching the unspecified-time ticket with a flight. In one disclosed embodiment, a traveler could submit a bid to an airline for an unspecified-time ticket, where the bid specifies an amount (e.g., $375) the traveler is willing to pay for the ticket. Upon receipt of the bid, the airline can then decide whether to accept or reject the bid.

Independent Claims 11, 22, 33 and 34 recite a method, computer-readable medium and computer systems, respectfully, for providing information regarding savings associated with travel alternatives. As recited, a travel itinerary is received or provided that includes an origination location and a destination location. The travel itinerary is then analyzed to determine a set of alternative itineraries, and thereafter values regarding the travel itinerary specified in the request and the alternative itineraries can then be determined, e.g., the prices of the respective itineraries are determined. At least one price-to-beat request can then be sent to a plurality of service providers (or, as recited in independent Claims 33 and 34, a trader interface or supplier interface, respectfully, can receive price-to-beat requests). For example, the price of the least expensive itinerary may fix the price of the price-to-beat request. Then, a response from the service providers may include information on a service provider itinerary and a value, e.g., price, of the service provider itinerary, where the service provider itineraries may be the same, or

PAGE 12/16 * RCVD AT 11/18/2004 11:36:01 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID: * DURATION (mm-ss):05-40

comparable, to the itinerary specified in the request or one of the alternative itineraries. The values of the itinerary specified in the request and the alternative itineraries can then be reconfigured based upon the responses, and thereafter a report can be generated including the reconfigured values.

As explained in response to the first Official Action, in contrast to the method, computer-readable medium and computer systems of independent Claims 11, 22, 33 and 34, neither the Ahlstrom patent, the DeLorme patent nor the Walker patent teach or suggest, individually or in combination, a system or method including analyzing a travel itinerary to determine a set of alternative itineraries, determining values for the travel itinerary and the alternative itineraries, sending at least one price-to-beat request (where the price-to-beat request may include the values of the travel itinerary and the alternative itineraries) and receiving responses including a service provider travel itinerary that may be the same, or comparable, to the travel itinerary or an alternative itinerary, as recited in independent Claims 11, 22, 33 and 34. Further, none of the Ahlstrom patent, the DeLorme patent or the Walker patent teach or suggest, individually or in combination, reconfiguring the values of the travel itinerary and the alternative itineraries based upon the responses from the service providers, as also recited in independent Claims 11, 22, 33 and 34.

The Walker patent does disclose a system for purchasing an unspecified-time ticket that allows a user to bid for a price from a specified airline. The Walker patent does not teach or suggest, however, determining values for a requested itinerary and alternative itineraries and sending the price-to-beat request based upon the values. Also, the Walker patent does not teach or suggest receiving responses from the service providers including a service provider itinerary and an associated value, where the service provider itinerary may be the same, or comparable, to the requested itinerary or an alternative itinerary. Instead, the Walker patent discloses a bidding system where a traveler submits to an airline a specific itinerary and a specific price the traveler is willing to pay for an unspecified-time ticket for the specific itinerary. Nowhere, however, does the Walker patent disclose how the traveler determines the price the traveler is willing to pay for the ticket. In this regard, the Walker patent does not teach or suggest that the traveler determines the price the traveler is willing to pay for the ticket based upon a value associated

PAGE 13/16 * RCVD AT 11/18/2004 11:36:01 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID: * DURATION (mm-ss):05-40

with a requested itinerary and values associated with alternative itineraries, as recited by the claimed invention.

Also, as clearly stated by the Walker patent, the traveler submits a price to an airline for a specific itinerary, and the airline responds whether to accept or reject the bid based on inventory and pricing guidelines. In this regard, the Walker patent does not teach or suggest receiving, from service providers, service provider itineraries that may be the same, or comparable, to the requested itinerary or an alternative itinerary, as recited in independent Claims 11, 22, 33 and 34. The Walker patent clearly discloses that a specific itinerary for a specific price is either accepted or rejected by the airline, and not modified by the airline either in price (service provider price) or itinerary (service provider itinerary).

Notwithstanding the above, Applicants also again respectfully submit that even if the bidding feature of the Walker patent could be reasonably interpreted as the price-to-beat feature of the claimed invention, the Ahlstrom, DeLorme and Walker patents cannot properly be combined to teach or suggest the claimed invention of independent Claims 11, 22, 33 and 34. In this regard, Applicants respectfully submit that the combination proffered by the Official Action is inconsistent § 2143.01 of the MPEP, which states that a proposed modification of the prior art cannot render the prior art unsatisfactory for its intended purpose. In this regard, in spite of the final Official Action's assertions, Applicants again respectfully submit that changing the system in the Walker patent from a user/buyer price driven system to a supplier price driven system for purposes of the rejection is inconsistent with the MPEP. Specifically, Applicants note that there is a fundamental difference between the purpose of the claimed invention and that of the Walker patent. In particular, the claimed invention relates to supplier driven pricing where the user/buyer inputs a request for the item and the system provides either a lowest price or lowest prices offered by suppliers, while the Walker patent is directed to user/buyer driven pricing where the user/buyer sets the price. The combination proposed by the Official Action would essentially alter the system of the Walker patent to a supplier driven pricing model, which would be completely opposite of the fundamental purpose of the system of the Walker patent.

Applicants note the final Official Action's explanation of section 2143.01 of the M.P.E.P. stating that "[a]lthough statements limiting the function or capacity of the prior art device require

fair consideration, simplicity of the prior art is rarely a characteristic that weighs against obviousness of a more complicated device with added function." Applicants respectfully submit, however, that even given this explanation of obviousness, Applicants have not suggested that steps or elements are improperly added to the Walker system to teach or suggest the features of the claimed invention. Instead, and in contrast to the quoted explanation in the M.P.E.P., Applicants respectfully submit that to teach or suggest the features of the claimed invention for which the Walker patent is cited, the system of the Walker patent itself would have to be significantly altered from a user/buyer price driven system where the buyer sets the price, to a supplier price driven system where the user/buyer is allowed to search for a price (e.g., the lowest price) offered by a supplier. But as previously explained, such an alteration would make the system of the Walker patent inoperable for its intended purpose as the entire business model and business operation would be upended. For example, in this alteration, the user/buyer no longer makes, and supplier no longer receives, a guaranteed purchase offer or bid. For this reason, Applicants respectfully submit that all of the claims of the present application are patentable over the cited references.

Even if the references were combined, however, Applicants respectfully submit that neither the Ahlstrom patent, the DeLorme patent nor the Walker patent, individually or in combination, teach or suggest the claimed invention of independent Claims 11, 22, 33 and 34, by dependency Claims 37-42. As such, Applicants respectfully submit that the rejection of Claims 11, 22, 33, 34 and 37-42 under 35 U.S.C. § 103(a) as being unpatentable over the Ahlstrom patent in view of the DeLorme patent, and further in view of the Walker patent, is overcome.

PAGE 15/16 * RCVD AT 11/18/2004 11:36:01 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID: * DURATION (mm-ss):05-40

Appl. No.: 09/275,887
Amdt. dated 11/18/2004
Reply to Official Action of August 20, 2004

CONCLUSION

In view of the remarks presented above, it is respectfully submitted that all of the claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested in due course. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application. As explained above, no new matter or issues are raised by this Response, and as such, Applicants alternatively respectfully request entry of this Response for purposes of narrowing the issues upon appeal.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office Fax No. (703) 872-9306 on the date shown below.

Sarah B. Simmons — Date: Nov. 18, 2004

PAGE 16/16 * RCVD AT 11/18/2004 11:36:01 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID: * DURATION (mm-ss):05-40